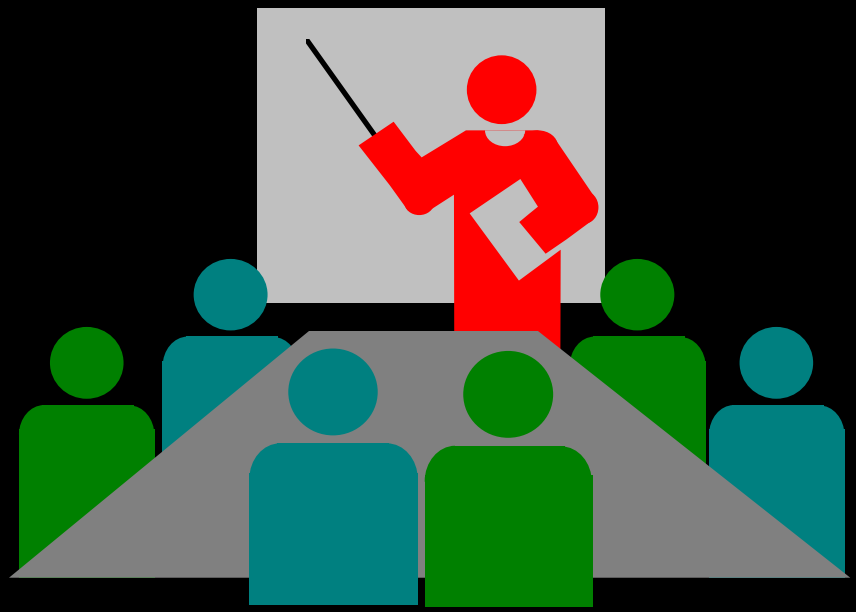
U.S. / MEXICO BORDER HAZARDOUS WASTE COMPLIANCE SEMINAR



JUNE 28, 2001
LAREDO, TX

U.S. EPA and TNRCC Participants

- U.S. EPA RCRA Enforcement Officers:
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  - Gabriel Salinas
- TNRCC Environmental Investigators, Waste Program:
  - Julieanne Owens
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PRESENTATION OVERVIEW

General topics in the presentation are as follows:

- The Purpose of the Presentation
- The U.S. / Mexico Border Initiative
- Hazardous Waste Regulations that may be Applicable to the Industry
- Common Violations Found in Transfer and Warehouse Facilities (T&W)

Continued...

General topics in the presentation are as follows:

- Common Problems that Result in these Violations, and
- Case Study Photos

Purpose of the Presentation

In an effort to ensure compliance in the T&W industry, the presentation will provide a basic understanding of hazardous waste regulations for T&W that currently manage or intend to manage hazardous waste; and will provide the necessary knowledge to T&W that may unwillingly or unknowingly handle hazardous waste.

The U.S. / Mexico Border Initiative

- The Initiative involves TNRCC and EPA joint tasks which help to ensure compliance within the T&W industry by preventing the mismanagement of hazardous waste.
  - These tasks include the completion of inspections, compliance assistance seminars, follow-up visits, and necessary administrative actions.

Continued...

The U.S. / Mexico Border Initiative

Initiative Status

- 217 initial warehouse inspections have been conducted in the Laredo area within the last year.
- Conducting today's compliance assistance seminar.

Continued...

The U.S. / Mexico Border Initiative

Initiative Plans

- Re-visit facilities previously inspected to follow up on compliance.
- Conduct additional inspections at other facilities.
- Provide an additional seminar to address any new problems that may be found during these planned inspections.

Inspection Outcomes

- Approximately 1 out of 5 facilities inspected were in violation of RCRA regulations.
- At least four have had significant violations that warrant pending administrative actions.
- Reviewing data on other facilities in violation to see if it warrants any administrative actions.

EPA Administrative Action Penalties

Significant RCRA violations that result in the potential harm to the environment.

Examples include contamination of soil and/or water due to container discharges, improper disposal of hazardous waste.

Each violation may be subject to a penalty of $27,500 per violation.

FIRST OF ALL

WHAT IS RCRA?

Introduction to RCRA

- RCRA stands for the Resource Conservation and Recovery Act.
- Developed to ensure that hazardous waste is managed safely from the moment it is generated until the moment it is finally disposed. Thus, labeled as:

  "RCRA's Cradle-to-Grave Hazardous Waste Mgmt. System".
- RCRA regulations are contained in 40 CFR Parts 260-299.

The Question Is:

Are you managing
Hazardous Waste?

Hazardous Material vs. Hazardous Waste

- Generally, hazardous material is a product that possesses contents that may be harmful to the environment and is in a condition that can be used for its intended purpose.
- Hazardous wastes may be spent hazardous materials that is generated from an industrial process, and/or hazardous material that is no longer in a condition that can be used for its intended purpose.

Examples

Hazardous Material

- Chemical Products
- Pesticide Products
- Cleaning Solutions
- Paint Thinners
- Matches

Hazardous Waste

- Spent Chemical Products
- Spent Cleaning Solutions
- Spent Paint Thinners
- Spent Solvents
- Certain Wastewater Treatment Sludges

Identifying Hazardous Waste

Hazardous Waste can be identified as a "Characteristic Waste":

- If the waste exhibits any of the following characteristics, it is a hazardous waste:
  - Ignitability
  - Corrosivity
  - Reactivity
  - Toxicity

Ignitability

- When Hazardous Material in liquid form, has flash point less than 60^{o} C.
- When Hazardous Material in solid form, can cause fire (under standard temperature and pressure) through friction and when ignited burns vigorously and consistently so as to create a hazard.
- Material Safety Data Sheet (MSDS) can help identify Ignitable Material.

Corrosivity

- Hazardous Material is corrosive when it is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5.
- MSDS can help identify Corrosive Material.

Reactivity

- Very rare, please see hand-outs for requirements.
- MSDS can help identify Reactive Waste.

Toxicity

- Hazardous Material is considered Toxic when the material is tested using TCLP SW-846 Method and the contaminant is above the regulatory concentration.
- Examples: Benzene (5.0 mg/L), Chromium (5.0 mg/L).
- MSDS can help identify Toxic Material

Waste Identifying Tip

- One way to help determine if your waste is hazardous is to check the Material Safety Data Sheet (MSDS) that comes will all products containing hazardous materials.
- Also, check for container markings/labels that may indicate container contents or hazardous properties.


BRAYCOTE 194
FLAMMABLE LIQUID
3


B5457
PP4
10/05
B-5457
PP4
11/05
B5457


BaCN 1x25#
+ Ferricyanide 1x25#
Barium Cyanide
Potassium Ferricyanide
TOXIC

Continued...

Identifying Hazardous Waste

Hazardous Waste can also be identified as a "Listed Waste":

- The regulations specifically list certain solid wastes as hazardous wastes. These wastes are listed as hazardous because they are known to be harmful to human health and the environment when not managed properly.

BASIC RCRA REGULATIONS

AND HOW THEY MAY APPLY TO YOU!

The Cradle (generation) -to-Grave (disposal) Mgmt. System sets requirements in 40 CFR for the following types of facilities that manage hazardous waste:

- Part 262 - Generators
- Part 263 - Transporters/Transfer Facilities
- Part 264 - Treatment, Storage, and Disposal Facilities (TSDs)

GENERATORS

Hazardous waste generators are the first link to the cradle to grave hazardous waste management system.

Do You Meet the Definition of a Generator?

Regulations broadly define the term generator to include any person, by site who:

- First creates or produces a hazardous waste
  - e.g., from an industrial process
- First brings a hazardous waste in to the RCRA system
  - e.g., imports a hazardous waste into the U.S.

Facilities may also become a generator through:

- Abandoned hazardous waste on site
  - e.g., managing a container holding hazardous waste that has been left behind.
- Discharging hazardous waste on site
  - e.g., managing a container that is leaking it's hazardous waste contents.

Generators

- All generators must determine if their waste is hazardous.
- All generators must ensure the hazardous waste travels through the cradle-to-grave management system.
- Prepare manifests to track the hazardous waste through the cradle-to grave management system.
- RCRA requires generators to ensure and fully document that the hazardous waste they produce is properly identified, and managed prior to recycling or disposal.

TRANSPORTERS

Hazardous waste transporters are an important part in the“cradle-to-grave” system because they deliver hazardous waste from its point of generation to its ultimate destination.

Do You Meet the Definition of a Hazardous Waste Transporter?

A hazardous waste transporter is:

Any person engaged in the off-site transportation of hazardous waste within the U.S.

Transporters

- Offsite transportation of hazardous waste include shipments from a generator's facility property to another facility for treatment, storage, & disposal.
- Regulated off-site transportation includes shipments of hazardous waste by air, rail, highway, or water.

Transporters

Since transporters are moving regulated wastes on public roads and highways, rails, and waterways, they are regulated not only by RCRA, but by DOT standards as well.

TRANSFER FACILITIES

Hazardous waste transfer facilities are another important part of the“cradle-to-grave” system because they can temporarily hold wastes while the wastes are considered in transit.

Transfer Facilities are defined as:

Any transportation-related facility, such as loading docks, parking areas, storage areas, and other similar areas where shipments are held during the normal course of transportation.

Transfer Facility Requirements

A transfer facility storing hazardous waste must meet the following criteria:

- Must be stored in DOT approved containers.
- Store manifested shipments.
- Meet the pre-transport packaging requirements.
- Store for a period of less than 10 days.

Transfer Facility Req. Continued...

They must also comply with the following State Regulations:

- Security
- General Inspection Requirements
- Personnel Training
- Preparedness and Prevention
- Contingency Plan and Emergency Procedures
- Use and Management of Containers

Need an incentive to comply with Transfer Facility Requirements?

If all requirements are met, then the facility is not subject to the following regulations:

- The hazardous waste permit program
- Standards for owners/operators of hazardous waste treatment, storage, and disposal facilities
- Interim status for owners/operators
- Land disposal restrictions

TREATMENT, STORAGE AND DISPOSAL FACILITIES (TSDs)

These facilities are the last link in the “cradle-to-grave” system.

What is a TSDF?

With some exceptions, a TSDF is a permit required facility engaged in one or more of the following activities:

- Treatment - any method, technique, or process designed to physically, chemically, or biologically change the nature of a hazardous waste.
- Storage - holding hazardous waste for a temporary period, after which it is treated, disposed of, or stored elsewhere.

TSDF Activities Continued...

- Disposal - the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste on or in the land or water; a disposal facility is any site where hazardous waste is intentionally placed and where the waste will remain after a TSDF stops operation.

FINDINGS FROM PREVIOUS INSPECTIONS ON T&W ALONG THE U.S. / MEXICO BORDER

Requirements Most Violated

Hazardous Waste Determinations

A generator of waste must identify each waste and determine which wastes are hazardous.

Requirements Most Violated cont.

Labeling/Marking Requirements

- Containers storing hazardous waste must clearly be labeled with the words "Hazardous Waste"
- Containers storing hazardous waste must have the date where the hazardous waste began accumulating in the container.


HAZARDOUS WASTE
STATE & FEDERAL LAW PROHIBITS IMPROPER DISPOSAL
HANDLE WITH CARE!
CONTAINS HAZARDOUS OR TOXIC WASTES

Requirements Most Violated cont.

Container Management Requirements

Any facility that stores hazardous waste must meet certain conditions such as: containers must be in good condition, must store wastes in closed containers, must be inspected, incompatible wastes must not be stored next to each other.

Requirements Most Violated cont.

Disposal

Facility accumulates or stores hazardous waste on-site instead of properly disposing of the waste.

Common Problems that Result in these Violations

- Abandoned Waste
  - from broken business transactions.
  - from inheriting wastes through site purchases.

Common Problems cont.

- Sham Recycling – Improper Recycling of hazardous waste
  - Hazardous waste actually going for improper disposal in Mexico.
  - Stating the material is “virgin product” when it’s actually hazardous waste.

CONTACTS

If you have any questions or concerns, please contact any us at:

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